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AUTHOR Herbeck, Dale A.
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ABSTRACT

Supporters of a policy of intervention on the part of debate judges argue that nonintervention (1) reduces consensus on objectives of the activity, (2) limits theoretical innovation, (3) creates confusion, (4) inhibits "real world" skills, and (5) promotes irrational behavior. On the other hand, a policy of nonintervention can be justified on two grounds: intervention is counter to the educational ends that it seeks to promote, and intervention interferes with the competitive aspect of debate, which is fully as important as the educational goals. The distinction between the judge and the critic embodies the dual ends of debate. Representing the educational ends, the critic functions as an educator, concerned with the overall quality of debate, in relation to other debates. The judge, representing the competitive ends, determines which team has done the better job of debating. Taken together, these roles embody the judge's proper role. This duality requires the judge to moderate his or her involvement in adjudicating the debate, treating all participants in a fair and equitable manner. In the final analysis, the case for judge intervention fails because such intervention does not further the goals of debate. (HTH)

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THE NATURE AND THE SCOPE OF EVALUATIVE CRITERIA: AN ARGUMENT FOR NONINTERVENTION

by

Dale A. Herbeck

University of Iowa

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THE NATURE AND THE SCOPE OF EVALUATIVE CRITERIA: AN ARGUMENT FOR NONINTERVENTION

At the 1983 Central States Speech Association Convention a panel composed of Richard Dempsey, Craig Cutbirth, and Kay Pietscher, addressed the need for judge interverntion.[1] At that time, all three panelists argued that judges should actively and unabashedly intervene when adjudicating a debate. While different arguments were suggested in behalf of intervention, all three papers came to precisely the same conclusion.

This panel is an outgrowth of that discussion. It attempts to further that dialogue, and to provide some new insights into the proper role of the judge in resolving debates. In the process, it attempts to offer a different perspective. Toward that end, this paper briefly reviews the arguments for judicial intervention. It attempts to summarize and criticize the basis of these arguments. Throughout, it attempts to make a case for nonintervention.

The Case for Judge Intervention

In making the case for judge intervention, Dempsey offered five practical arguments against the tabula rasa judge. According to Dempsey, the tabla rasa paradigm reduces consensus on objectives of the activity, limits theoretical innovation, creates confusion, inhibits 'real-world' skills, and promotes irrational behavior.[2] Having implicated the tabula rasa position, Dempsey suggested that

unrestrainted (but consistent) judicial intervention should be encouraged.

In his paper, Cutbirth went one step beyond the analysis offered by Dempsey. In essence, Cutbirth developed the premise underlying Dempsey's arguments for judicial intervention. That premise, simply put, is that the educational ends served by debate necessitate active judge intervention. In his critique of the tabla rasa paradigm Cutbirth notes:

> Rejection will not be based on an issue by issue analysis of the controversy surrounding debate judging paradigms. Rather, an objection will be presented grounded in both practical and philosphic concerns; from this objection a revised orientation to judging bias will emerge, carrying with it a justification for bias as an educational device.[3]

This concern for education, Cutbirth argues, both justifies and demands judicial intervention. Cutbirth continues:

> Any educator attempting to function as a blank slate by allowing undergraduate students the power to determine the content of the course, the requirements and assignments of the course, and the standards of course will probably be dismissed. A football coach who erects basketball goals in the endzones and devises ways for his team to score using the fast break will probably be elected District Chairman of his NDT region but be fired by his administration.[4]

To the educator, judge intervention is a duty.

But having progressed this far, both Cutbirth and Dempsey hedge their conclusions. While they conclude that judge intervention is desirable, they fail to provide any direction for the judge in determining when and where intervention is appropriate. Dempsey, for instance, concludes that the judge need not "automatically" surrender his/her paradigmatic predisposition. But he never indicates the circumstances that would force the judge to surrender his/her

preference. Cutbirth offers even less guidance. He simply concludes by noting that the judge must adopt some sort of middle ground, without explaining how the judge could hope to consistently define that position. Neither provides much instruction in how a judge should actually intervene in any particular debate.

The Case for Nonintervention

A policy of nonintervention can be justified on two different grounds. At face value, it can be argued that nonintervention is counter to the very ends which it seeks to promote. Furthermore, it can be argued that other interests justify a policy of nonintervention. Each of these arguments will be considered in turn.

If educational goals are the end of debate, it is hard to see how a policy of intervention can further those goals. By definition, intervention discourages many legitimate lines of inquiry. Since it encourages the judge to vote for preferences as opposed to arguments presented, intervention necessarily encourages those arguments which appeal to the judge. As a result, intervention stifles productive argumentation. Instead of promoting inquiry, intervention discourages critical thinking. It rewards debaters for telling the judge what they want to hear, irrespective of any and all other considerations.

The same metaphor that Cutbirth used to justify intervention can also be used to justify nonintervention. Cutbirth is correct when he argues that a professor would be "dismissed" if s/he turned the classroom over to his/her students. But at the same time, we would surely have doubts about a professor who announced to his public

speaking classes that all speeches would uphold the same perspective on a single topic for the entire semester. Similar doubts would surely be lodged against a professor who prohibited the quoting of Kenneth Burke in his rhetorical criticism class, or who limited his students of argument to the work of Douglas Ehninger. In the final analysis, the educator who intervened might be even more suspect than the professor who never intervened.

If a particular argument is so weak or counterintuitive that a judge would consider voting against it at face value, then it is not unreasonable to expect the debaters to make the necessary responses. Given a predisposition against the argument on the part of the judge, it should not be difficult for the debaters to defeat the argument. If, given the judge's predisposition, the debaters still cannot defeat the argument, then it seems appropriate and necessary to vote for the argument.

Cutbirth's summary rejection of this possibility is puzzling. He writes:

> Judges love to point to potentially-damaging arguments missed by the debaters, and sanctimoniously brag on their ballots about how they're ignoring these killer arguments because they weren't presented in the round.[5]

If education is the goal, this attitude is most perplexing. If Cutbirth considers it sanctimonious bragging to identify which arguments should have been extended to win the debate, it seems hard to consider blatant judge intervention as anything less than intellectual imperialism.

If education is the goal, it seems possible that there are other means to obtain the goal. Judges are provided ample opportunity for

feedback, both oral and written, and this feedback can serve as a means to further educational interests. Indeed, Don Faules, Richard Rieke, and Jack Rhodes, have stressed the educational importance of such criticism. They write:

> Criticism is not fault-finding. It's purpose is to indicate to a student why one speaker is better than another and why one technique is more productive than another. The nature of the criticism will determine the progress of the student and the educational worth of debate activity.[6]

Rather than encouraging students to blatantly appeal to the judge's preference, and rather than arbitrarily imposing the judge's preference on the debater's arguments, it would make more sense to have the judge evaluate the student's work on its own merits. Simply put, arguments should be judged on their own merit and not on how closely they conform to the judge's own ideas.

For example, those who advocate judge intervention often rely on personal examples involving non-topical "squirrel" cases or unapplicable generic arguments. But, rather than punishing teams who run such arguments, it seems more appropriate to teach debaters how to respond to such arguments. Judges should help debaters learn how to answer such attacks. Making precisely this point, Michael Pfau has observed:

> In like manner, standards can be developed and utilized to determine the appropriateness of other forms of generic negative argument. The important point is that the use of standards is the optimal method for determining whether a generic argument is good or bad. This saves the critic for interpositioning himself/herself in the debate--an essential outcome if the critic is to reject the generic argument on its face (the increasingly common, "judge interventionist," position).[7]

If education is an end of debate, then this seems to be the best way to truly enhance education. Instead of criticizing bad arguments, we should concern ourselves with teaching debaters how to construct good arguments. Rather than criticizing debaters for making bad arguments, judges should teach debaters how to make good arguments.

Moreover, the arbitrary rejection of ideas is itself a dubious practice when considered from educational grounds. To arbitrarily foreclose consideration of viable ideas runs counter to prevailing educational practice. And, if we are truly concerned about the development of "real-world" skills, such a practice seems totally and completely bankrupt. Rather than encouraging critical thinking, or fostering intellectual growth, such practices encourage the debater to mindlessly reiterate the prevailing preferences. From an educational perspective, this would seem counterproductive.

Admittedly, this may force the judge to accept and even consider arguments which s/he believes to be erroneous. But this is no different than when a teacher accepts a good argument for a position that they strongly disagree with, or rewards a well crafted speech on a poor topic. The temptation to penalize the student may sometimes be great, but it is a temptation that must be resisted.

Consequently, it can be concluded that rather than warranting intervention, claiming education as an end of debate leads to a policy of nonintervention. If education is the goal, then judge intervention is clearly inappropriate. Education does not warrant unlimited intervention. So by way of summary, it can be concluded that educational ends cannot be used to justify a policy of intervention.

But going one step further, it can be argued that education is not the only end realized by debate. Competitive ends are fully as important as are educational ends. We must remember that academic debate is a competitive game. Playing the game may provide substantive benefits to the participants, but the participants are nonetheless playing a sophisticated game. The requirement that judges declare winners at the end of each debate, the selection of teams for the elimination rounds, and the recognition of outstanding debaters and teams, all prove that debate is a game. Were debate exclusively an educational activity none of these events would be necessary.

In fact, if debate were exclusively an educational activity the rules would be very different. If debate were merely an educational exercise, for instance, we would presumably never force a debater to defend both sides of the resolution. As Gerald Sanders has noted:

> The assumption is that a person who supports a proposition in a debate with which he or she disagrees personally is being intellectually dishonest and that such a practice is improper ethical training for the competitive debater. This assumption is not valid when one views academic deebate as a contest in which the participants research carefully the arguments used to support both sides of the proposition.[8]

The fact that debaters interchangeably argue for or against the resolution, in addition to the other practices previously described, clearly proves that debate is a competitive event.

As with most other games, the rules of debate are intended to guarantee rough equality to all participants. The nature of the resolution, the order of the speeches, and the limitations on when arguments may be introduced, are all intended to provide both sides

an equal position. Since debaters will debate both sides of the resolution, there is an incentive to attempt to balance both sides of the resolution.

Judicial intervention, by its very nature, is unfair. If affords specific advantages to given teams in certain situations. It removes the decision from the realm of the debater and places it squarely on the judge. In the process, it destroys the competitive process and substitutes arbitrary decisionmaking. Since judges will inevitably be predisposed for and against specific arguments, a significant number of debates will be decided not by the arguments but by the good fortune of the competing teams. Imagine the consternation of debaters being confronted by a judge who just "doesn't think that their case is topical" in a critical round. For such high quality competition to be decided by the judge's predisposition is palpably unacceptable.

It is sometimes argued that it would be possible to reduce some of these difficulties by distributing judging philosophies prior to the debate. Even assuming that the practical difficulties associated with such a scheme could be resolved, it is doubtful that such a scheme would fully redress these problems. They do not reveal how any given judge will decide an argument in any given round. Moreover, it seems unreasonable to expect debaters to prepare a multiplicity of different cases and negative arguments to be used in front of different judges. Given the inherent diversity of the judging community, such preparations might well prove impossible.

While not addressing this particular question, J.W. Patterson and David Zarefsky draw a useful distinction for considering the proper role of the judge. In their recent debate text, they distinguish between the judge and the critic. In characterizing the judge they write:

> First, the evaluator acts as a judge. The responsibility of the judge is to determine which side, affirmative or negative, did the better debating. In making this decision, the judge in effect is determining whether the resolution is probably true, based only on the arguments presented during the debate. The judge does not vote for a team because of his or her personal belief that its position is correct. Rather, the standards of judgment are the decision rules that emerge during the debate, supplemented by the judge's own understanding of the principles or argumentation and debate.[9]

In contrast, when characterizing the critic, Patterson and Zarefsky observed that:

> At the same time, the evaluator plays the role of critic. In this capacity, he or she is asked to examine each team's performance against ideal standards toward which the team ought to aspire. The critic not only determines how far the team is from this standard (usually by awarding points on a scale reflecting gradations from excellent to poor) but also makes specific comments, orally or in writing, on how the debaters can improve their performance.[10]

Thus, while the judge evaluates the arguments within any given debate, the critic concerns himself/herself with the debate in the larger setting of all possible debates.

The distinction between the judge and the critic embodies the dual ends of debate. Representing the educational ends, the critic functions as an educator. S/he is concerned with the overall quality of debate. The critic's focus looks beyond any given debate, and attempts to evaluate the debate against the best possible debate. In contrast, the judge represents the competitive ends. The judge

determines which team has done the better job of debating within any given debate. Taken together, these roles embody the proper role for the judge.

The fact that debate is a competitive event forces to judge to evaluate the arguments differently than if debate were solely an educative activity. If the only end of debate were educational, it might be possible to make the case for judge intervention. But since debate is competitive in addition to being educative, the case for intervention is tempered. To elevate either end of debate at the expense of the other is to denigrate the activity.

This duality requires the judge to moderate his/her involvement in adjudicating the debate. Austin Freeley captures the essence of this position when he argues:

> Although judges are usually expected to have only the knowledge of well-informed persons on the subject of the debate, often they have devoted much study to the subject and frequently acquire considerable special knowledge. This additional knowledge may produce certain attitudes, stereotypes, anticipations, or even occasional distortion in their thinking on the proposition. Their responsibility as judge requires that they set this knowledge aside for the duration of the debate and, in rendering the decision, consider only the evidence and reasoning that the students introduced in the debate.[11]

Donald Klopf echoes this sentiment when he writes:

> In debate, for example, the judge does not vote as a member of the legislature votes, on the basis of his or her knowledge of the question and in light of his or her views on the correct course of action. Personal views must be laid aside and the decision rendered on the basis of what the two teams say and how they say it.[12]

By moderating his/her involvement, the judge treats all participants in a fair and equitable manner. Patterson and Zarefsky note that:

> The judge may care deeply about the subject and may come to the debate with strong personal feelings about it. But you

> can assume that most judges try to set aside their personal beliefs and preferences and evaluate the merits of the resolution only on the basis of the debaters' arguments and not on their own preconceived notions.[13]

By using their specialized expertise in responding to the debate, the judge advances the educational ends of the activity. Freeley suggests that "Judges may properly draw on their special knowledge of the subject in critiques to suggest ways in which the debaters may improve their arguments."[14]

In the final analysis, the case for judge intervention fails because judge intervention does not further the ends of debate. If education is the end of our activity, the case for judge intervention is on shaky ground. The very act of intervention necessarily runs counter to these educational goals. Furthermore, education is not the only end of debate. In addition to being an educational event, debate is also a competitive event. Because of this competitive element, judges cannot fairly impose their preferences on any particular debate.

Thus, the judge must maintain a precarious balance. On the one hand s/he must serve as a judge of the arguments in the immediate debate. Simultaneously, s/he must serve as a critic of argument. This requires that they look beyond the individual debate and try to improve the debaters skills. Admittedly, this may be a difficult balance to strike. Still, given the dual ends of debate it is the most appropriate role for the judge.

Notes

1. Craig W. Cutbirth, "When Bias Becomes Duty: Debate as an Educational Activity," a paper presented to the 1983 Central States Speech Association Convention in Lincoln, Nebraska; Richard Dempsey, "The Myth of the Tabula Rasa Judge," a paper presented to the 1983 Central States Speech Association Convention in Lincoln, Nebraska; and Kay Pietscher, "Paradigm Selection: A Source of Subjectivity in Debate Judging," a paper presented to the 1983 Central States Speech Association Convention in Lincoln, Nebraska. Since copies of Pietscher's paper were not distributed at the Convention, it is not explicitly referenced in this paper.

2. Dempsey, pp. 3-6.

3. Cutbirth, p. 1.

4. Cutbirth, pp. 4-5.

5. Cutbirth, p. 1.

6. Don F. Faules, Richard D. Rieke, and Jack Rhodes, Directing Forensics (Denver: Morton, 1976), p. 237.

7. Michael Pfau, "A Reasonable Approach to Generic Argument," a paper presented to the 1983 Central States Speech Association Convention in Lincoln, Nebraska. A similar argument is advanced by Gregg Walker, "The Appropriate Use and Inapprorpiate Abuse of Generic Arguments in Competitive Debate," a paper presented to the 1983 Central States Speech Association Convention in Lincoln, Nebraska.

8. Gerald Sanders, Introduction to Contemporary Academic Debate, 2nd ed. (Prospect Heights, Ill.: Waveland, 1983), p. 2.

9. J.W. Patterson and David Zarefsky, Contemporary Debate (Boston: Houghton Mifflin, 1983), p. 294.

10. Patterson and Zarefsky, p. 294.

11. Austin J. Freeley, Argumentation and Debate, 5th ed. (Belmont, Cal.: Wadsworth, 1981), p. 262.

12. Donald W. Klopf, Coaching and Directing Forensics (Skokie, Ill.: National Textbook, 1982), p. 269.

13. Patterson and Zarefsky, p. 295.

14. Freeley, p. 262.